



Exceptions to Personal Physical Injury Guidelines

DISCLAIMER: This material is provided for reference only; it is not meant to be legal advice of any kind. All decisions by OVS are based on the information gathered during the investigation of the claim and the law under which it operates. The approval or denial of any claim is determined on a case-by-case basis and meeting the minimum requirements outlined below does not guarantee a positive outcome.

There are exceptions for victims of a crime who have NOT sustained a personal physical injury. However, these claims MUST be filed with the OVS as a Personal Injury claim type. The following charges must be reflected on the criminal justice agency report in order for a victim to be eligible under our statute.

Charges Needed Under Executive Law Section 631(12)

- Menacing 2 degree (PL 120.14) (2) or (3)
- Menacing 1 degree (PL 120.13)
- Criminal Obstruction of Breathing or Blood Circulation (PL 121.11)
- Harassment 2 degree (PL 240.26) Harassment 1 degree (PL 240.25)
- Aggravated Harassment 2 degree (PL 240.30) (3) or (5)
- Aggravated Harassment 1 degree (PL 240.31) (2)
- Criminal Contempt 1 degree (PL 215.51) (b) or (c)
- Stalking 4, 3, 2 or 1 degree (PL 120.45, 120.50, 120.55 or 120.60)
- Hate Crimes (PL 485.05)
- Dissemination of an Unlawful Surveillance Image in the 2 degree (PL 250.55)
- Dissemination of an Unlawful Surveillance Image in the 1 degree (PL 250.60)

Makes Victim Eligible for only:

- Loss of Earnings
- Essential Personal Property
- Security Devices
- Transportation for necessary court appearances in connection with the prosecution of the crime
- Counseling and related transportation expenses
- Securing a crime scene
- Occupational or Job Training
- Moving Expenses
- The cost of residing at or utilizing services provided by shelters for battered spouses and children
- Crime scene cleanup

Charges Needed Under Executive Law Section 631(11)

- Menacing in the 2 degree (PL 120.14) (1)
- Menacing in the 3 degree (PL 120.15)
- Unlawful Imprisonment 1 degree (PL 135.10)
- Kidnapping 2 or 1 degree (PL135.20 or PL135.25)
- Criminal Mischief in the 4 degree (PL145.00) (4)
- Robbery in the 3, 2 or 1 degree (PL 160.05), (PL 160.10) (1), (2)(b) or (3), (PL 160.15) (2), (3) or (4)
- **Unlawful Surveillance in the 2 degree (PL 250.45)**
- **Unlawful Surveillance in the 1 degree (PL 250.50)**

Makes Victim Eligible for only:

- Loss of Earnings
- Counseling and related transportation expenses
- Transportation for necessary court appearances in connection with the prosecution of the crime

Other Coverage Under Executive Law Section 631(8) and 631(17)

- Elderly (aged 60 or over)
- Disabled victim
- A child victim not physically injured or
- A child witness to a crime without injuries

Makes Victim Eligible for only:

- Essential Personal Property
- Transportation for necessary court appearances in connection with the prosecution of the crime
- Counseling commencing within one year from the date of crime and related transportation expenses
- Financial counselling (if elderly or disabled)